

January 6, 1970

Senator Sam J. Ervin Jr.
Senate Building
Washington, D. C. 20510

Dear Senator Ervin,

I am deeply gratified to have the occasion once again to congratulate you for your strong position on a question of personal privacy and fundamental constitutional rights. I refer now to your representations to the Secretary of Health, Education and Welfare with respect to his department's administration of personnel security procedures. I would merely be echoing your own concerns to express my personal reactions to such intrusions and to procedures which deny the right of an accused the possibility of confrontation and answer.

I am writing now to invite your attention to and interest in another problem in this area which may have the most severe impact on personal liberties on a large part of the population over the next two or three decades. I refer to the problem of maintaining the confidentiality of medical, particularly psychiatric, information furnished to selective service boards on behalf of prospective inductees. Many men have obtained deferments on the basis of physical or psychological disabilities regarded as sufficient cause either by the local board or in accordance with the standards established by the services. I need hardly paint in detail the worrisome picture of the possibility that such personal information might be leaked from these files at some future time in a way that would violate the most elementary principles of human decencies.

I am aware that such information is now labeled as strictly confidential by selective service regulations. However, these regulations have little if any teeth in them and I would urge upon you the importance of making the confidentiality of such material a subject of statutory law with clearcut criminal penalties. The purpose of such an act would be not only to increase the odds of deterring an inappropriate release of such information but to leave no doubt that this is a criminal act deserving of no condonation whatever from the community.

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I am not suggesting that representations made in these appeals be kept beyond the recourse of actions for fraud or other misrepresentations but such exceptions to the strict confidence of medical and psychiatric information about registrants should be clearly spelled out in the law and appropriate procedures set up for dealing with them.

The act should also provide for a well defined procedure for the safe-keeping or regulated destruction of such records in order to avoid the confusion of responsibility that attended the disgraceful leak of District Attorney Garrison's records. This one example should be enough to illustrate the potentiality for abuse that is connected with the deposit of this kind of information.

Sincerely yours,

Joshua Lederberg
Professor of Genetics

Enclosure
JL/rr

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